

## LUMER & NEVILLE

Attorneys At Law

225 BROADWAY  
SUITE 2700  
NEW YORK, NEW YORK 10007  
WWW.LUMERNEVILLE.COM

MICHAEL B. LUMER  
JAMES C. NEVILLE

(212) 566-5060  
FACSIMILE (212) 406-6890

September 12, 2016

**By ECF**

Hon. Peggy Kuo  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: James v. City of New York,  
15 CV 3657 (ERK) (PK)**

Dear Judge Kuo:

We represent plaintiff Andy James in the above referenced matter, and write to respectfully supplement the plaintiff's pending motion for legal fees and costs. On June 1, plaintiff filed his reply papers and the application was thus fully briefed. On June 16, 2016, however, the Hon. Jed S. Rakoff issued a decision on a fee application that the Court may wish to consider.

In that decision, the Court found that an hourly rate of \$600 was a fair reflection of the market value for attorneys David Roth and Richard Gross, and that an hourly rate of \$550 was reasonable for Ameer Benno, Reza Rezvani, and Jeffrey Rothman, each of whom, according to the Court had at least ten years experience. *Bailey v. Pataki*, 2016 WL 3545941, at \*6 (S.D.N.Y. June 16, 2016). While the Court reduced the lodestar to reflect the relative lack of success when the outcome was juxtaposed to the time expected, the Court left the hourly rates intact.

In this case, plaintiff has sought a rate of \$500 for Mr. Lumer, who has been practicing for more than 20 years. As set forth in plaintiff's moving papers and the declarations of counsel, Mr. Lumer's actual rate is actually quite modest when compared to current market rates for other counsel.

Thank you for your kind attention.

**LUMER & NEVILLE**

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M Lumer', with a long horizontal flourish extending to the right.

Michael Lumer

cc: Elissa P. Fudim, Sr. Counsel (By ECF)